and 3-(4-methoxy-1*H*-indol-2-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide;

or a pharmaceutically acceptable salt thereof.

REMARKS

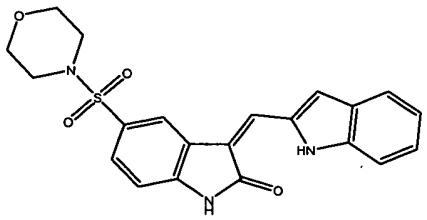
I. INTRODUCTION

Claims 8 – 15 are pending in this application upon entry of the present amendment.

II. THE OFFICE ACTION

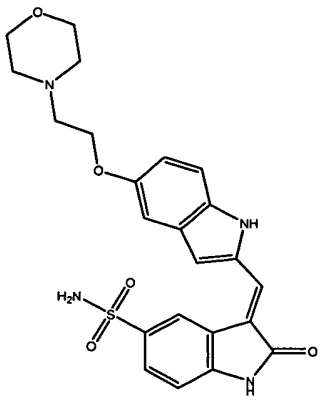
A. Response to Restriction

On page 2 of the Office Action, the Examiner states that "[a]pplicant's election with traverse of Group II, claims 8 – 15, drawn to compounds of Formula II, as defined in claim 8, and the species of Example 48,



3-(3H-Indol-2-ylmethylene)-5-(morpholine-4-sulfonyl)-1,3-dihydro-indol-2-one, disclosedin page 48, in paper 8, filed on November 15, 2003, is acknowledged."

Applicants respectfully note that the Examiner's statement vis-à-vis the elected species is incorrect. In the Election of Species filed on November 15, 2002, Applicants elected the compound of Example 48, found on page 87 of the specification. The name of this compound is 3-[5-(2-morpholin-4-yl-ethoxy)-1H-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1H-indole-5-sulfonic acid amide. The structure of this compound is:



During the teleconference held on March 28, 2003, the Examiner acknowledged that the compound name and compound structure recited in the Office Action dated February 28, 2003 were both incorrect.

During the March 28 teleconference, Applicants also noted that the generic concept described on page 3 of the same Office Action was incorrect, since it did not read on the elected species. The Examiner acknowledged that this was indeed the case. As a result, the Examiner changed the generic concept. It is Applicants understanding that the generic concept is as follows:

$R_{11} - R_{14}$ represent hydrogen; R_{15} and R_{16} are as recited in claim 8, but the term "optionally substituted heteroaryl" must be deleted; A is as defined; $R_{19} - R_{25}$ and $R_{27} - R_{31}$ represent hydrogen; R_{17} and R_{18} are each independently selected from the group consisting of hydrogen, optionally substituted alkyl, and optionally substituted alkoxy; and R_{26} represents optionally substituted alkyl.

B. Non-elected subject matter

The Examiner has objected to claims 8 – 15 since they allegedly contain non-elected subject matter. The Examiner has required Applicants to delete all non-elected subject matter from claims 8 – 15.

Applicants have amended claims 8 – 15 based on the generic concept discussed on in Section A, above. In doing so, Applicants have deleted non-elected subject matter from the pending claims. The Examiner's objection has been overcome, since the pending claims no

longer contain non-elected subject matter. Reconsideration and withdrawal of the objection is respectfully requested. Applicants reserve the right, however, to file further applications to capture the non-elected subject matter.

III. CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date May 28, 2003

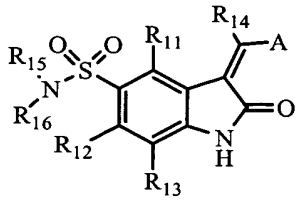
By _____
for Beth A. Burrous
Reg. # 48,735
Attorney for Applicant
Registration No. 35,087

FOLEY & LARDNER
Customer Number: 22428
22428
PATENT TRADEMARK OFFICE
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

MARKED UP VERSION SHOWING CHANGES MADE

In the Claims:

8. (Amended) An indolinone compound having a structure set forth in formula (II):

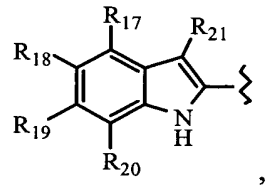
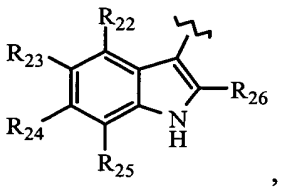
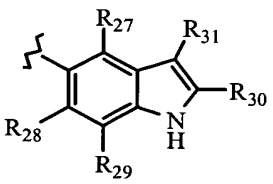
(II) 

wherein:

(a) R_{11}-R_{14} are hydrogen;

(b) R_{15} and R_{16} are each independently selected from the group consisting of hydrogen, optionally substituted alkyl, and optionally substituted aryl, ~~and optionally substituted heteroaryl,~~ or R_{15} and R_{16} taken together with the nitrogen atom to which they are attached form a ring structure selected from the group consisting of a five-membered or six-membered heteroaromatic ring, a five-membered or six-membered heteroaliphatic ring, a nine-membered fused bicyclic heteroaromatic ring, and a ten-membered fused bicyclic heteroaromatic ring; and

(c) A is selected from the group consisting of formula (III), (IV), and (V):

(III)  , (IV)  , (V) 

wherein:

(i) R_{19}-R_{25} and R_{27}-R_{31} are hydrogen;

(ii) R_{17} and R_{18} are each independently selected from the group consisting of hydrogen, optionally substituted alkyl, and optionally substituted alkoxy provided that both R_{17} and R_{18} are not hydrogen; and

(iii) R_{26} is selected from the group consisting of optionally substituted alkyl;

or a pharmaceutically acceptable salt thereof.

9. (Amended) The compound of claim 8, wherein:

(i) R_{15} is hydrogen or alkyl;

(ii) R_{16} is hydrogen, alkyl, phenyl, wherein said phenyl group is optionally substituted with one or two substituents selected from halo or unsubstituted lower alkyl ~~or 5 or 6 membered heteroaryl~~; or R_{15} and R_{16} together with the nitrogen to which they are attached form 2,3-dihydroindol-1-yl, 2,3-dihydro-2H-quinolin-1-yl, or 2,3-dihydro-2H-isoisoquinolin-2-yl ring wherein said rings are optionally substituted with halo or alkyl;

(iii) R_{17} is hydrogen, methyl, or methoxy;

(iv) R_{18} is selected from the group consisting of lower alkoxy substitued with heteroalicyclic; and

(v) A is group of formula III.

10. (Amended) The compound of claim 8, wherein:

(i) R_{15} is hydrogen or methyl;

(ii) R_{16} is hydrogen, methyl, isopropyl, phenyl, ~~pyridin-3-yl,~~ 3-chlorophenyl, or 4-chloro-2-fluorophenyl, or R_{15} and R_{16} together with the nitrogen atom to which they are attached form 2,3-dihydroindol-1-yl, 2,3-dihydro-2H-quinolin-1-yl, 5-bromo-2,3-dihydro-2H-quinolin-1-yl, or 2,3-dihydro-2H-isoquinolin-2-yl;

(iii) R_{17} is selected from the group consisting of hydrogen, methyl, and methoxy; and

(iv) R_{18} is selected from the group consisting of hydrogen, 2-pyrrolidin-1-yl-ethoxy and 2-morpholin-4-yl-ethoxy;

11. (Amended) The compound of claim 8, wherein:

(i) R_{15} is hydrogen or alkyl;

(ii) R_{16} is hydrogen, alkyl, phenyl optionally substituted with one or two substituents selected from halo or unsubstituted lower alkyl ~~or 5 or 6 membered heteroaryl~~; or

(iii) R_{15} and R_{16} together with the nitrogen to which they are attached form 2,3-dihydroindol-1-yl, 2,3-dihydro-2H-quinolin-1-yl, or 2,3-dihydro-2H-isoisoquinolin-2-yl ring wherein said rings are optionally substituted with halo or alkyl;

(iv) R_{26} is selected from the group consisting of optionally substituted alkyl; and

(v) A is group of formula IV.

12. (Amended) The compound of claim 8, wherein:

(i) R_{15} is hydrogen or methyl;

(ii) R_{16} is hydrogen, methyl, isopropyl, phenyl, ~~pyridin-3-yl,~~ 3-chlorophenyl, or 4-chloro-2-fluorophenyl, or R_{15} and R_{16} together with the nitrogen atom to which they are attached form 2,3-dihydroindol-1-yl, 2,3-dihydro-2H-quinolin-1-yl, 5-bromo-2,3-dihydro-2H-quinolin-1-yl, or 2,3-dihydro-2H-isoisoquinolin-2-yl; and

(iii) R_{26} is methyl.

13. (Amended) The compound of claim 8, wherein:

(i) R_{15} is hydrogen or alkyl;

(ii) R_{16} is hydrogen, alkyl, phenyl optionally substituted with one or two substituents selected from halo or unsubstituted lower alkyl, ~~5 or 6 membered heteroaryl~~; or R_{15} and R_{16} together with the nitrogen to which they are attached form 2,3-dihydroindol-1-yl, 2,3-dihydro-2H-quinolin-1-yl, or 2,3-dihydro-2H-isoisoquinolin-2-yl ring wherein said rings are optionally substituted with halo or alkyl; and

(iii) A is group of formula V.

14. (Amended) The compound of claim 8, wherein:

(i) R_{15} is hydrogen or methyl; and

(ii) R_{16} is hydrogen, methyl, isopropyl, phenyl, ~~pyridin-3-yl~~, 3-chlorophenyl, or 4-chloro-2-fluorophenyl, or R_{15} and R_{16} together with the nitrogen atom to which they are attached form 2,3-dihydroindol-1-yl, 2,3-dihydro-2H-quinolin-1-yl, 5-bromo-2,3-dihydro-2H-quinolin-1-yl, or 2,3-dihydro-2H-isoisoquinolin-2-yl; and

(iii) A is group of formula V.

15. (Amended) A compound selected from the group consisting of:
2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid amide,
3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid amide,
2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide,

2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid dimethylamide,

2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid isopropylamide,

2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid phenylamide,

~~2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid pyridin-3-ylamide,~~

5-(2,3-dihydro-indole-1-sulfonyl)-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid (3-chloro-phenyl)-amide,

2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid (3-chloro-phenyl)-methyl-amide,

2-oxo-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2,3-dihydro-1*H*-indole-5-sulfonic acid (4-chloro-2-fluoro-phenyl)-amide,

5-(3,4-dihydro-2*H*-quinoline-1-sulfonyl)-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

5-(3,4-dihydro-1*H*-isoquinoline-2-sulfonyl)-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

5-(5-bromo-2,3-dihydro-indole-1-sulfonyl)-3-[5-(2-pyrrolidin-1-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid dimethylamide,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid isopropylamide,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid phenylamide,

~~3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid pyridin-3-ylamide,~~

5-(2,3-dihydro-indole-1-sulfonyl)-3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid (3-chloro-phenyl)-amide,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid (3-chloro-phenyl)-methyl-amide,

3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid (4-chloro-2-fluoro-phenyl)-amide,

5-(3,4-dihydro-2*H*-quinoline-1-sulfonyl)-3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

5-(3,4-dihydro-1*H*-isoquinoline-2-sulfonyl)-3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

5-(5-bromo-2,3-dihydro-indole-1-sulfonyl)-3-[5-(2-morpholin-4-yl-ethoxy)-1*H*-indol-2-ylmethylene]-1,3-dihydro-indol-2-one,

3-(1*H*-indol-3-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid amide,

3-(2-methyl-1*H*-indol-3-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid amide,

3-(1*H*-indol-5-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid amide,

3-(1*H*-indol-3-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide,

3-(2-methyl-1*H*-indol-3-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide,

3-(1*H*-indol-5-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide,

3-(1*H*-indol-2-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide,

3-(1*H*-indol-3-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid dimethylamide,

3-(2-methyl-1*H*-indol-3-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid dimethylamide,

3-(1*H*-indol-5-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid dimethylamide,

3-(1*H*-indol-2-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid dimethylamide,

and 3-(4-methoxy-1*H*-indol-2-ylmethylene)-2-oxo-2,3-dihydro-1*H*-indole-5-sulfonic acid methylamide;

or a pharmaceutically acceptable salt thereof.